

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAURA GREENWAY,	:	CIVIL ACTION NO. 1:17-CV-1578
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 31st day of January, 2019, upon consideration of the motion (Doc. 11) for default judgment by plaintiff Laura E. Greenway (“Greenway”) wherein Greenway avers that defendant Nancy A. Berryhill (“Berryhill”) and the Attorney General of the United States have failed to file an answer and Certified Copy of the Transcript of the Administrative Record, (id. ¶ 11), but it appearing that Greenway has not yet requested entry of default by the Clerk of Court, see FED. R. CIV. P. 55(a), and that entry of default is a prerequisite to the entry of default judgment, see United States v. Knier, No. 1:18-CV-00553, 2018 WL 3064227, at *2 (M.D. Pa. June 21, 2018) (quoting 10A CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2682 (3d ed. 2007)); see also Husain v. Casino Control Comm’n, 265 F. App’x 130, 133 (3d Cir. 2008) (same), it is hereby ORDERED that

¹ Due to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, former acting Commissioner of Social Security Nancy A. Berryhill is currently presiding as the Deputy Commissioner for Operations of the Social Security Administration. For consistency purposes, however, we continue to refer to Ms. Berryhill as “the Commissioner.”

Greenway's motion (Doc. 11) for entry of default judgment is DENIED without prejudice to refile of same after entry of default against Berryhill.²

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

² We note that this matter was stayed from December 28, 2018 through January 30, 2019 by the court's omnibus order governing civil case operations during the lapse in certain appropriations for the United States Department of Justice. See *In re Certain Matters Pending Before All of the Various Courts of the U.S. Dist. Court for the Middle Dist. of Pa.*, No. 1:18-MC-729, Docs. 1, 5 (M.D. Pa.). The government's alleged default predated and accordingly is not attributable to the lapse in appropriations or the omnibus stay.